

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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SERONO, INC.,

Plaintiff,

vs.

FERRING PHARMACEUTICALS, INC.,

Defendant.

U.S. DISTRICT COURT
DISTRICT OF MASS.

Civil Action No. 02-11832 MLW

**DECLARATION OF M. REED STAHELI IN SUPPORT OF
FERRING PHARMACEUTICALS, INC.'S OPENING BRIEF ON
CLAIM CONSTRUCTION**

I, M. Reed Staheli, state:

1. I am an associate attorney at the law firm of Foley & Lardner, and am one of the counsel of record for Ferring Pharmaceuticals, Inc. in this case. I am a member of the bar of the State of Wisconsin and have been admitted pro hac vice to this Court. I submit this declaration in support of Ferring's Pharmaceutical, Inc.'s Opening Brief on Claim Construction.

2. I make this declaration of my own knowledge, and could and would testify competently as to the matters set forth herein if called upon to do so by a court of law.

3. Attached as **Exhibit A** is a true and correct copy of U.S. Patent No. 4,845,077 titled "Method of Inducing Ovulation," filed July 9, 1987, and issued July 4, 1989.


4. Attached as **Exhibit B** is a true and correct copy of U.S. Patent No. 4,589,402 titled "Method of In Vitro Fertilization," filed July 2, 1984, and issued May 20, 1986

5. Attached as **Exhibit C** is a true and correct copy of Paper 7 from the '077 Patent Prosecution History titled "Response to Final Rejection" and dated May 28, 1985.

6. Attached as **Exhibit D** is a true and correct copy of Paper 6 from the '077 Patent Prosecution History titled "Examiner's Action" and dated February 25, 1985.
7. Attached as **Exhibit E** is a true and correct copy of Paper 14 from the '077 Patent Prosecution History titled "Examiner Interview Summary Record" and dated March 9, 1987.
8. Attached as **Exhibit F** is a true and correct copy of Paper 16 from the '077 Patent Prosecution History titled "Amendment Under Rule 115" and dated March 11, 1987.
9. Attached as **Exhibit G** is a true and correct copy of Paper 3 from the '402 Patent Prosecution History titled "Amendment Under Rule 115" and dated October 15, 1985.
10. Attached as **Exhibit H** is a true and correct copy of a Serono Claim Chart dated December 1, 2003.
11. Attached as **Exhibit I** are true and correct copies of portions of Webster's New Collegiate Dictionary (1977) defining the terms "absence" (page 4), "absent" (page 4), "alone" (page 32), and "without" (page 1347).
12. Attached was **Exhibit J** is a true and correct copy of Paper 5 from the '077 Patent Prosecution History titled "Amendment Under Rule 115" and dated October 22, 1984.

Executed this 18th day of December, 2003, in Milwaukee, Wisconsin. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Respectfully submitted,


M. Reed Stahel, WI Bar No. 1033113
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